



**Town of Arlington**

**ARLINGTON REDEVELOPMENT BOARD**

**Report to 2023 Special Town Meeting**

Rachel Zsembery, Chair

Kin Lau, Vice Chair

Eugene Benson

Stephen Revilak

Claire V. Ricker

Secretary Ex-Officio

Director of Planning and Community Development

Voted as amended on October 10, 2023

## **Introduction and Overview**

The Arlington Redevelopment Board (ARB) has statutory authority over M.G.L. c. 40A as the Town's planning board (Section 2 of Section 17 of the Town Manager Act) and M.G.L. c. 41 § 81 as the Redevelopment Authority. The ARB was created by a Town Meeting-adopted home rule petition, followed by a State Legislature act to form the ARB in 1971. The Department of Planning and Community Development was created in 1969. The authority and role of the ARB is included in Article 17 of the Town Manager Act. As a planning board, the ARB is charged with developing [Arlington's Master Plan](#); proposing bylaws, regulations, and rules to implement the Master Plan; and applying those bylaws, regulations, and rules. Lastly, the ARB serves as a special permit granting authority. The ARB is also a duly constituted redevelopment authority formed under the authority of M.G.L. c. 121B. With Town Meeting approval, the Board may hold property to improve and rehabilitate to meet community development goals.

The members of the ARB are as follows:

Rachael Zsembery, Chair (Term through 6/30/2026)

Kin Lau, Vice Chair (Term through 3/20/2024)

Eugene Benson (Term through 1/31/2026)

Stephen Revilak (Term through 9/22/2023, Gubernatorial designee – term renewal pending)

Open Seat (Term through 1/31/2025)

Claire V. Ricker, Secretary Ex-Officio

Director of the Department of Planning and Community Development

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## **Zoning Articles Overview**

Zoning Articles for the October 2023 Special Town Meeting generally fall into two broad categories: enhancements to Arlington's business districts, and multi-family zoning for MBTA Communities. The business district enhancements are comprised of Articles 4-9 and Article 11. Taken together, these seven articles seek to encourage investment and new growth in Arlington's business districts, strengthen the town's commercial sector, and enhance the commercial tax base, potentially reducing the need for operating budget overrides. The Redevelopment Board originally planned to bring the business district articles to the 2023 Annual Town Meeting but agreed to defer them until the fall at the request of the Town Manager. Article 12 is the Board's recommendation for a multi-family district that satisfies the requirements of the MBTA Communities Law. Article 10 seeks to expand the town's tree canopy as new residential development occurs, multi-family or otherwise.

The ARB review process for 2023 Special Town Meeting began in September with the close of the Warrant and will culminate after Town Meeting with a submission by the Town Clerk of any approved zoning amendments to the Attorney General.

When any warrant article proposes to amend the "Town of Arlington Zoning Bylaw," the ARB is required to issue a report with recommendations to Town Meeting. Appearing below are articles that propose to amend the Zoning Bylaw. This report includes a brief discussion of the intent of each proposed amendment followed by a recommended vote of the ARB. The ARB's vote constitutes its recommendation

to Town Meeting. The recommendations of the ARB, and not the original warrant articles, are the actual motions that will be considered by the Town Meeting. An ARB vote of “No Action” means that Town Meeting will be asked to vote that no action be taken on the proposed warrant article.

Changes to the Zoning Bylaw text are shown beneath the recommended votes. Additions to the original Zoning Bylaw text appear as underlined text, while any deletions to the original Zoning Bylaw text appear as strike through text. The ARB advertisement for the public hearings on the Warrant Articles proposed to amend the Zoning Bylaw appeared in *The Advocate and Star* as required on August 24, August 31, September 7, September 28, and October 5. In accordance with the provisions of the Arlington Zoning Bylaw and Massachusetts General Laws Chapter 40A, the ARB held public hearings and heard public comments on the proposed amendments on Monday, September 11, 2023, and Monday, September 18, 2023. The ARB voted on recommended bylaw language at their meeting on October 2, 2023. The ARB voted 4-0 on this report as amended at their meeting on October 10, 2023.

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## Summary of Recommended Votes of the Redevelopment Board

Article	Date of ARB Hearing (With link to ACMi Recording)	Recommendation to Town Meeting
Article 3	<a href="#">September 18, 2023</a>	Favorable Action
Article 4	<a href="#">September 18, 2023</a>	No Action
Article 5	<a href="#">September 18, 2023</a>	Favorable Action
Article 6	<a href="#">September 18, 2023</a>	Favorable Action
Article 7	<a href="#">September 18, 2023</a>	Favorable Action
Article 8	<a href="#">September 18, 2023</a>	Favorable Action
Article 9	<a href="#">September 18, 2023</a>	Favorable Action
Article 11	<a href="#">September 18, 2023</a>	Favorable Action
Article 10	<a href="#">September 18, 2023</a>	Favorable Action
Article 12	<a href="#">September 11, 2023</a>	Favorable Action
Article 13	October 16, 2023	

# ARTICLE 3:

## ADMINISTRATIVE CORRECTION

*Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.*

### ARTICLE 3

### ZONING BYLAW AMENDMENT / ADMINISTRATIVE CORRECTION

To see if the Town will vote to amend the Zoning Bylaw to make the following administrative correction: Amend Section 5.9.2.C.(4), Accessory Dwelling Units Administration, to correct a reference it makes to a re-lettered subsection of Section 8.1.3; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

#### DISCUSSION:

Article 3 is an administrative correction to the Zoning Bylaw Section 5.9.2 as amended by Town Meeting in Spring 2021.

#### VOTE AND RECOMMENDATION TO TOWN MEETING:

**The Redevelopment Board voted 4-0 to recommend Favorable Action that the Zoning Bylaw be and hereby is amended as follows:**

#### Amend SECTION 5.9.2.C.(4):

(4) In the event of any conflict or inconsistency between the provisions of this Section 5.9.2 or Section 8.1.3.E, 8.1.3.D, on the one hand, and any other provisions of this Bylaw, the provisions of this Section 5.9.2 and Section 8.1.3.E 8.1.3.D shall govern and control.

## ARTICLE 4: REDUCED HEIGHT BUFFER AREA

*Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.*

### ARTICLE 4

### ZONING BYLAW AMENDMENT / REDUCED HEIGHT BUFFER AREA

To see if the Town will vote to amend the zoning bylaw to update Section 5.3.19 to define a “finding” by the Arlington Redevelopment Board and the Board of Appeals regarding reduced height buffer areas; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

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### VOTE AND RECOMMENDATION TO TOWN MEETING:

The Redevelopment Board voted 4-0 to recommend No Action be taken under Article 4.

# ARTICLE 5:

## OPEN SPACE IN BUSINESS DISTRICTS

*Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.*

### ARTICLE 5

### ZONING BYLAW AMENDMENT / OPEN SPACE IN BUSINESS DISTRICTS

To see if the Town will vote to amend the Zoning Bylaw to update Section 2 DEFINITIONS, Section 5.3.21 SUPPLEMENTAL REQUIREMENTS IN THE BUSINESS AND INDUSTRIAL DISTRICTS, Section 5.3.22 GROSS FLOOR AREA, and Section 5.5.2 DIMENSIONAL AND DENSITY REQUIREMENTS to modify the requirements for landscaped and usable open space in the Business Zoning Districts; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

#### DISCUSSION:

While the amendment to Floor Area Ratio (FAR) by 2022 Town Meeting has made redevelopment of underutilized properties more attractive, other requirements such as setbacks, step-backs, usable open space, parking buffers, and minimum lot areas and frontages frustrate the ability to reach the maximum allowable heights.

This Article aligns with the Master Plan, which indicates that the Zoning Bylaw should be revised to support desired and appropriate building placement, form, scale, density, and mix of uses. Currently the requirement for usable open space and the purpose or intent of “usable open space” in the Zoning Bylaw are incompatible and unduly restrict commercial and mixed-use redevelopment by limiting the ability to redevelop a property without a net loss of commercial space.

Open Space (both Usable and Landscaped) is currently tied to residential gross floor area as opposed to parcel size. As such, incentives to redevelop underperforming properties are restricted, as the area of each parcel that is dedicated to open space *increases* with each additional upper-story residential unit in mixed-use developments and thus limits the overall building footprint size, often rendering redevelopment projects infeasible.

Beyond restricting the redevelopment potential for underutilized and vacant properties, the open space requirements and definitions do not reflect the environmental and climate benefits that open space should provide regarding permeable surfaces, green roofs, locations for trees and landscape, access to the outdoors, and community gathering spaces for building social resilience.

The definitions associated with open space limit where and how the private benefits of open space can be achieved. Rooftops may only count as open space if they are located not more than 10 feet above the level of the *lowest* story used for housing, while open space at the ground level is deemed “usable” only if 75% of the area has a grade of less than 8% and is at least 25 feet square. These limits effectively restrict building height beyond the limits set forth in the dimensional and density regulation tables. They also typically exceed the rear and side yard setback requirements for most uses in the Business Districts. Allowing green balconies and green roofs as part of open space for occupants can enhance the use of their property and provide a pleasant green building façade. While decreasing the amount of usable open space for mixed-use buildings, which is not required to be green or permeable and can prevent good mixed-use buildings from being developed, this increases the required amount of landscaped open space for mixed-use buildings, which increases the amount of green space for trees and other plantings.

**VOTE AND RECOMMENDATION TO TOWN MEETING:**

The Redevelopment Board voted 4-0 to recommend Favorable Action that the Zoning Bylaw be and hereby is amended as follows:

**Amend SECTIONS 2, 5.3.21, 5.3.22, and 5.5.2:**

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**Section 2: Definitions****Definitions Associated with Open Space**

Open Space: A yard including sidewalks, swimming pools, terraced areas, decks, patios, play courts, and playground facilities; and not devoted to streets, driveways, off-street parking or loading spaces, or other paved areas.

Open Space, Landscaped: Open space designed and developed for pleasant appearances in trees, shrubs, ground covers and grass, including other landscaped elements such as natural features of the site, walks and terraces, and also including open areas accessible to and developed for the use of the occupants of the building located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes — except in the Business Districts where open space areas accessible to and developed for the use of occupants of the building may be located upon a roof, balcony, or balconies at any level of the building. Refer to Section 5.3.22.C. for how to calculate landscaped open space.

Open Space, Usable: The part or parts of a lot designed and developed for outdoor use by the occupants of the lot for recreation, including swimming pools, tennis courts, or similar facilities, or for garden or for household service activities such as clothes drying; which space is at least 75% open to the sky, free of automotive traffic and parking, and readily accessible by all those for whom it is required. Such space may include open area accessible to and developed for the use of the occupants of the building and located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes — except in the Business Districts where open space areas accessible to and developed for the use of occupants of the building may be located upon a roof, balcony, or balconies at any level of the building. Open space shall be deemed usable only if at least 75% of the area has a grade of less than 8% and no horizontal dimension is less than 25 feet. For newly constructed single-, two-family, and duplex dwellings with surface parking, no horizontal dimension shall be less than 20 feet. Refer to Section 5.3.22.C for how to calculate usable open space.

**Section 5.3.21: Supplemental Requirements in the Business and Industrial Districts (paragraph D)**

A. Screening and Buffers: Industrial and Business Districts and Parking Lots

(1) Screening and space buffers shall be required in any Industrial (I) or Business (B) district that abuts certain buildable residential lots. The minimum width of the buffer shall be as follows:

I or B District	Abutting R District	Minimum Buffer
I, B5	R0 through R5	25 ft.
B3, B2A, B4	R0 through R5	15 ft.
I	R6 through R7	10 ft.
B1, B2	R0 through R5	10 ft.

The strip shall contain a screen of plantings of vertical habit not less than three feet in width and six feet in height at the time of occupancy of such lot. Individual shrubs or trees shall be planted not more than 20 feet on center, and shall thereafter be maintained by the owner or occupants to maintain a dense screen year-round. At least 50% of the plantings shall consist of evergreens and they shall be evenly spaced. A solid wall or solid wooden fence, five to six feet in height, complemented by suitable plantings, may be substituted for one-half the required width of such landscaped buffer strip; however, provisions of this section shall not supersede the minimum setbacks for parking lots per Section 6.1 nor the minimum yard requirements of Sections 5.5 and 5.6. No screen shall be closer than 10 feet to a public or private way. Where deemed appropriate by the property owner and immediate abutters, and as approved by the building inspector, another wall or fence height or fence type, including but not limited to coated chain link or "wrought iron" types may be substituted for the required wall or fence. See Section 5.3.7 for screening and buffer requirements for Business districts, Industrial districts, and parking lots.

- (2) For any area used for the parking of more than five vehicles, the screening provisions of Section 6.1, Off-Street Parking, shall apply.
- B. Accessory Structures. Accessory structures must comply with the minimum yard, maximum height, and minimum open space requirements of the district in which they are located.
- C. Upper-Story Setbacks. In any district where the maximum building height exceeds three stories, upper-story building setbacks shall be required. See Section 5.3.17 for Upper Story Step Back requirements.
- D. ~~For mixed uses and any permitted residential use not specifically identified in the tables in Section 5.5.2(A), the minimum open space requirements (computed from the residential floor area only) shall be 10% landscaped and 20% usable in the B1, B2, B2A, B3, and B4 districts, and 15 percent usable in the B5 district.~~

#### Section 5.3.22: Gross Floor Area

- A. For the purposes of this bylaw, the following areas of buildings are to be included in the calculation of Gross Floor Area:
  - (1) Elevator shafts and stairwells on each floor;
  - (2) Attic areas with headroom, measured from subfloor to the bottom of the roof structure, of seven feet, except as excluded in (4) below;
  - (3) Interior mezzanines;
  - (4) Penthouses;
  - (5) Basement areas except as excluded in (2) below;
  - (6) Cellars in residential uses;
  - (7) All-weather habitable porches and balconies; and
  - (8) Parking garages except as excluded in (1) below.
- B. For the purposes of this bylaw, the follow areas of buildings are to be excluded from the calculation of Gross Floor Area:

- (1) Areas used for accessory parking, or off-street loading purposes;
- (2) Basement areas devoted exclusively to mechanical uses accessory to the operation of the building;
- (3) Open or lattice enclosed exterior fire escapes;
- (4) Attic and other areas used for elevator machinery or mechanical equipment accessory to the operation of the building; and
- (5) Unenclosed porches, balconies, and decks.

C. For the purposes of this bylaw, the district dimensional requirements for Usable Open Space and Landscaped Open Space in all districts except the Business Districts are calculated based on Gross Floor Area. For calculating Usable Open Space and Landscaped Open Space in the Business Districts, see the note at the end of the B District Open Space and Lot Coverage table in Section 5.5.2.A., Tables of Dimensional and Density Regulations, in this Bylaw.

### Section 5.5.2: Dimensional and Density Regulations

#### A. Tables of Dimensional and Density Regulations

##### B District Open Space and Lot Coverage

Use District	Minimum/Maximum Requirement		
	Landscaped Open Space	Usable Open Space	Maximum Lot Coverage
<b>B1</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
Mixed-use	20%	<u>Sec. 5.3.21</u> -----	-----
Any other permitted use	20%	<u>Sec. 5.3.21</u> -----	-----
<b>B2</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
Townhouse or apartment building	10%	20%	-----
Mixed-use	<u>10% 15%</u>	<u>Sec. 5.3.21</u> -----	-----
Any other permitted use	<u>10% 15%</u>	<u>Sec. 5.3.21</u> -----	-----
<b>B2A</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
Apartments on street w/ ROW <=50 ft.	10%	25%	-----
Apartments on street w/ ROW >50 ft.	10%	20%	-----
Mixed-use <=20,000 sq. ft.	----- <u>15%</u>	<u>Sec. 5.3.21</u> -----	-----
Mixed-use >20,000 sq. ft.	<u>10% 15%</u>	-----	-----
Any other permitted use	<u>20%</u> <u>10% 15%</u>	<u>Sec. 5.3.21</u> -----	-----
<b>B3</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
Townhouse or apartment building	10%	20%	-----
Mixed-use <=20,000 sq. ft.	----- <u>15%</u>	<u>Sec. 5.3.21</u> -----	-----
Mixed-use >20,000 sq. ft.	<u>10% 15%</u>	-----	-----
Any other permitted use	<u>20% 15%</u>	<u>Sec. 5.3.21</u> -----	-----

	Minimum/Maximum Requirement		
<b>B4</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
Apartments on street w/ ROW <=50 ft.	10%	30%	-----
Apartments on street w/ ROW >50 ft.	10%	20%	-----
Mixed-use <=20,000 sq. ft.	----- 15%	Sec. 5.3.21-----	-----
Mixed-use >20,000 sq. ft.	10% 15%		
Any other permitted use		Sec. 5.3.21-----	-----
<b>B5</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
Townhouse or apartment building	10%	15%	-----
Mixed-use <= 20,000 sq. ft.	----- 15%	Sec. 5.3.21-----	-----
Mixed-use > 20,000 sq. ft.	10% 15%		
Any other permitted use	10% 15%	(20% for residential use)	-----
On a lot >= 40,000 sq. ft.	10% 15%	Sec. 5.3.21-----	-----
On a lot >= 80,000 sq. ft.	10% 15%	Sec. 5.3.21-----	-----

Note: In the Business Districts, the district dimensional requirements for Landscaped Open Space and Usable Open Space are calculated based on the lot size.

# ARTICLE 6:

## REAR YARD SETBACKS IN BUSINESS DISTRICTS

*Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.*

### ARTICLE 6 ZONING BYLAW AMENDMENT / REAR YARD SETBACKS IN BUSINESS DISTRICTS

To see if the Town will vote to amend the Zoning Bylaw to update Section 5.5.2. DIMENSIONAL AND DENSITY REQUIREMENTS to reduce the rear yard setback or to allow for a variable rear yard setback and establish the criteria for such requirements for any use in the Business Districts; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

#### DISCUSSION:

While the amendment to Floor Area Ratio (FAR) by 2022 Town Meeting has made redevelopment of underutilized properties more attractive, other requirements such as setbacks, step-backs, usable open space, parking buffers, and minimum lot areas and frontages frustrate the ability to reach the maximum allowable heights.

This Article aligns with the Master Plan, which indicates that the Zoning Bylaw should be revised to support desired and appropriate building placement, form, scale, density, and mix of uses. Presently the rear yard setback requirements in the business districts are a function of building length and/or height, depending on use. These restrictions make it challenging to understand potential build-out, overly complicate the zoning bylaw, and present challenges to commercial redevelopment. Additionally, the prescribed setbacks incentivize redevelopment into residential uses instead of commercial or mixed use.

To encourage redevelopment in the Business Districts to meet Arlington's economic development and sustainability goals, the Redevelopment Board seeks to replace prescribed rear yard setbacks in business districts with more context specific, variable setbacks that address the dimensions of the development site while taking abutting right of way and residential uses into account.

#### VOTE AND RECOMMENDATION TO TOWN MEETING:

**The Redevelopment Board voted 4-0 to recommend Favorable Action that the Zoning Bylaw be and hereby is amended as follows:**

**Amend SECTION 5.5.2:****Section 5.5.2: Dimensional and Density Regulations****A. Tables of Dimensional and Density Regulations****B District Yard and Open Space Requirements**

District Use	Minimum Requirement		
	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
<b>B1</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	20	10	20
Mixed-use	20	10	<u>20</u> *
Any other permitted use	20	10	<u>20</u> *
<b>B2</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	20	10	20
Townhouse or apartment building	20	10	<u>20</u> *
Mixed-use <=20,000 sq. ft.			<u>10+(L/10)</u> *
Mixed-use >20,000 sq. ft.	0	0	<u>10+(L/10)</u> *
Any other permitted use	-----	-----	<u>10+(L/10)</u> *
<b>B2A</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	20	10	20
Apartments on street w/ ROW <=50 ft.	15	10+(L/10)	<u>30</u> *
Apartments on street w/ ROW >50 ft.	15+(H/10)	(H+L)/6	
Mixed-use <=20,000 sq. ft.	0	0	<u>10+(L/10)</u> *
Mixed-use >20,000 sq. ft.	0	0	<u>10+(L/10)</u> *
Any other permitted use	-----	-----	<u>10+(L/10)</u> *
<b>B3</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	20	10	20
Townhouse or apartment building	15+(H/10)	(H+L)/6	<u>(H+L)/6</u> *
Mixed-use <=20,000 sq. ft.	0	0	<u>(H+L)/6</u> *
Mixed-use >20,000 sq. ft.	0	0	
Any other permitted use <20,000 sq. ft.			<u>(H+L)/6</u> *
Any other permitted use >20,000 sq. ft.	-----	-----	
<b>B4</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	20	10	20
Apartments on street w/ ROW <=50 ft.	15	10+(L/10)	<u>30</u> *
Apartments on street w/ ROW >50 ft.	15+(H/10)	(H+L)/6	<u>(H+L)/6 (at least 30 ft.)</u> *
Mixed-use <=20,000 sq. ft.	0	0	<u>10+(L/10)</u> *
Mixed-use >20,000 sq. ft.	0	0	<u>10+(L/10)</u> *
Any other permitted use	-----	-----	<u>10+(L/10)</u> *

District Use	Minimum Requirement		
	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
<b>B5</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	20	10	20
Townhouse or apartment building	15+(H/10)	(H+L)/6 (at least 20 ft.)	(H+L)/6 (at least 20 ft.) *
Mixed-use <=20,000 sq. ft.	0	0	10+(L/10) *
Mixed-use >20,000 sq. ft.	0	0	10+(L/10) *
Any other permitted use			(H+L)/6 *
On a lot >=40,000 sq. ft.	-----	-----	(H+L)/6 *
On a lot >=80,000 sq. ft.	-----	-----	(H+L)/6 *

Note: L is the length of a wall parallel (or within 45 degrees of parallel) to lot line, measured parallel to lot line, subject to the provisions of Section 5.3.15 for buildings of uneven alignment or height. H is the height of that part of the building for which the setback or yard is to be calculated.

\* 0 feet when abutting an alley or rear right-of-way of at least 10 feet of width

\* 10 feet when abutting a non-residential district

\* 20 feet for three or fewer stories when abutting a residential district

\* 30 feet for four and more stories when abutting a residential district

\* If the rear yard abuts both a residential and non-residential district, the minimum requirement for the residential district shall apply.

# ARTICLE 7:

## STEP BACK REQUIREMENTS IN BUSINESS DISTRICTS

*Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.*

### ARTICLE 7 ZONING BYLAW AMENDMENT / STEP BACK REQUIREMENTS IN BUSINESS DISTRICTS

To see if the Town will vote to amend the Zoning Bylaw to update Section 2 DEFINITIONS and Section 5 DISTRICT REGULATIONS to clarify and adjust the upper-story building step back to begin at a higher story, clarify the measurement shall be from the principal property line, specify the applicable façades of a building for which the step back is required, and allow for an exemption for smaller parcels for buildings subject to Environmental Design Review with certain exceptions; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

#### DISCUSSION:

While the amendment to Floor Area Ratio (FAR) by 2022 Town Meeting has made redevelopment of underutilized properties more attractive, other requirements such as setbacks, step-backs, usable open space, parking buffers, and minimum lot areas and frontages frustrate the ability to reach the maximum allowable heights.

Approximately 44% of parcels in Arlington's Business Districts are located on corner lots and have two or more frontages. Currently this means that redevelopment of those properties requires a step back on more than one frontage, at the 4th floor. Given the relatively small average parcel size in most Business Districts, and with additional setback, open space, and parking buffer requirements, the requirement to step back along more than one frontage results in unusable or uneconomical upper story space.

A review of zoning regulations in Arlington's neighboring communities reveals that most do not have step-back requirements. Of those that do require step-backs, the step-back requirement either does not begin until a height of 65 feet, or the step-back is required as part of the community's design standards to allow Planning Boards the flexibility to negotiate step-backs as part of overall design review. Some communities requiring step-backs require them only on the principal façade.

The Board debated whether the step-back requirement should begin above the third floor or above the fourth floor with one member preferring the step back be required at a higher floor than other members of the Board. The Board came to the conclusion that maintaining the requirement for, at a minimum, a step-back on the principal façade only at the 4th story was contextually appropriate for the Town of Arlington. The Board also clarified that the step back shall be measured from the principal property line. To encourage redevelopment in the Business Districts to meet Arlington's economic development and sustainability goals, the Board seeks to modify the step back requirements in Arlington's business districts.

**VOTE AND RECOMMENDATION TO TOWN MEETING:**

**The Redevelopment Board voted 3-1 to recommend Favorable Action that the Zoning Bylaw be and hereby is amended as follows:**

(The Board member who voted no was in favor of the amendments proposed in this article. The no vote was because the step back requirement would remain on the fourth floor rather than be raised to the fifth floor.)

**Amend SECTIONS 2, 5.3.17, and 5.3.21:**

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**Section 2, Definitions**

**Building Step Back:** An upper Upper story building setback provided along all building elevations the entire principal façade of a building with street frontage. excluding alleys.

**Section 5.3.17, Upper-Story Building Step Backs**

For buildings in excess of three (3) stories in height, an additional a seven and one-half (7.5) foot step back (upper story building setback) shall be provided beginning at the fourth (4th) story on the entire principal façade of the building. For a building with street frontage on Massachusetts Avenue or Broadway, the principal façade and principal property line are presumed to be facing Massachusetts Avenue or Broadway, respectively, unless the Arlington Redevelopment Board determines otherwise. The upper story step-back shall be provided along all building elevations with street frontage, excluding alleys. This requirement Step back requirements shall not apply to buildings in the Industrial District.

The upper-story step back shall be measured from the principal property line for the building and may be on the fourth story or may be a combination of various story setbacks so that the fourth story is setback the required amount from the principal property line.

**Section 5.3.21.C, D, and E, Supplemental Requirements in the Business and Industrial Districts**

- C. Upper Story Setbacks. In any district where the maximum building height exceeds three stories, upper story building setbacks shall be required. See 5.3.17 for Upper Story Step Back requirements.
- D. C. For mixed uses and any permitted residential use not specifically identified in the tables in Section 5.5.2(A), the minimum open space requirements (computed from the residential floor area only) shall be 10% landscaped and 20% usable in the B1, B2, B2A, B3, and B4 districts, and 15 percent usable in the B5 district.
- E. D. Minimum side and rear yards in Industrial Districts and minimum front, side, and rear yard are not required when abutting railroad track or railroad right-of-way if railroad is utilized for loading or unloading.

# ARTICLE 8:

## HEIGHT AND STORY MINIMUMS IN BUSINESS DISTRICTS

*Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.*

### ARTICLE 8 ZONING BYLAW AMENDMENT / HEIGHT AND STORY MINIMUMS IN BUSINESS DISTRICTS

To see if the Town will vote to amend Section 5.5.2 DIMENSIONAL AND DENSITY REGULATIONS to add a requirement for a minimum height and number of stories in all Business Districts with exceptions; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

#### DISCUSSION:

To encourage redevelopment in the Business Districts with a traditional mixed-use building type with active ground floor uses and housing or office uses above, the Redevelopment Board seeks to prohibit the development of new single-story structures. Establishing a height minimum is an effective way of encouraging the development of higher value buildings, efficiently using limited land resources, and increasing the diversity of business types in Town.

To avoid creating a requirement that could effectively prohibit redevelopment entirely (e.g., require a height that is unachievable due to other dimensional restrictions and buffers), the Board proposes a minimum building height of 26 feet or two stories for primary buildings in all Business Districts, with a requirement that the second floor be usable and allowing the Redevelopment Board to waive or modify the requirement if a second floor would be infeasible for the project (e.g., for a gas station).

#### VOTE AND RECOMMENDATION TO TOWN MEETING:

The Redevelopment Board voted 4-0 to recommend Favorable Action that the Zoning Bylaw be and hereby is amended as follows:

#### Amend SECTION 5.5.2:

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##### Add Section 5.5.2.C. Minimum Height and Story Requirements for the Business Districts

###### C. Minimum Height and Story Requirements for the Business Districts

In the Business Districts, buildings shall be a minimum of two stories and twenty-six feet in height. Both stories shall be usable. The requirement shall not apply to single family residential buildings. The Arlington Redevelopment Board may waive or modify the minimum height and story requirement if it finds that the requirement is infeasible for the property or project.

# ARTICLE 9:

## CORNER LOT REQUIREMENTS

*Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.*

### ARTICLE 9

### ZONING BYLAW AMENDMENT / CORNER LOT REQUIREMENTS

To see if the Town will vote to amend Section 5.3.8 CORNER LOTS AND THROUGH LOTS to amend the requirement for corner lots in all Business Districts which requires the minimum street yard to be equal to the required front yard depth; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

#### DISCUSSION:

While the amendment to Floor Area Ratio (FAR) by 2022 Town Meeting has made redevelopment of underutilized properties more attractive, other requirements such as setbacks, step-backs, usable open space, parking buffers, and minimum lot areas and frontages frustrate the ability to reach the maximum allowable heights.

This Article aligns with the Master Plan, which indicates that the Zoning Bylaw should be revised to support desired and appropriate building placement, form, scale, density, and mix of uses. The current restrictions on corner lots in the business districts make it challenging to understand potential build-out, overly complicate the zoning bylaw, and present challenges to commercial redevelopment.

The requirements are overly restrictive in the many cases where the corner lot abuts a parcel or parcels that is/are not in the same district – a frequent occurrence in Arlington due to the discontinuity of our zoning districts. In many areas in Arlington, older homes do not meet the current standards for setbacks. Although the current residential setback requirement is 15 feet, many streets have mostly 10-foot setbacks. A new building on the corner of such a street and Mass Ave or Broadway should not be required to implement a 15-foot setback on the side street when most of the neighboring residential buildings have smaller setbacks.

Section 5.3.16 of the Zoning Bylaw provides the Redevelopment Board with the ability to adjust setback requirements during Environmental Design Review, and the changes proposed under this Article largely reflect how the Board has been applying Section 5.3.16 to corner lots in Business Districts. The Board hopes this will improve the clarity of the Zoning Bylaw, and predictability in the permitting process.

#### VOTE AND RECOMMENDATION TO TOWN MEETING:

**The Redevelopment Board voted 4-0 to recommend Favorable Action that the Zoning Bylaw be and hereby is amended as follows:**

#### Amend SECTION 5.3.8:

##### **Section 5.3.8: Corner Lots and Through Lots**

A. A corner lot shall have minimum street yards with depths which shall be the same as the required front yard depths for the adjoining lots, except in the Business Districts a corner lot shall have the minimum street yards with depth for its front and side yard as required by the front and side yard setback requirements, as applicable, for the district in which it is located.

# ARTICLE 10:

## STREET TREES

*Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.*

### ARTICLE 10

### ZONING BYLAW AMENDMENT / STREET TREES

To see if the Town will vote to amend the zoning bylaw to require a street tree to be planted for every 25 feet of street frontage for all developments; or take any action related thereto.

(Inserted at the Request of the Redevelopment Board)

#### DISCUSSION:

This Article aligns with the Master Plan, which states that in addition to environmental and public health benefits, trees have a significant impact on the quality of the pedestrian's experience in Arlington's commercial centers and neighborhoods. This Article supports the Master Plan goal of addressing street tree concerns, including replacement of trees lost due to age, storms, and failed survival of newly planted trees. It also coordinates tree care between the Town and property owners.

The Board seeks to expand the street tree requirement to all new construction, additions over 50% of the existing footprint, or redevelopment in all districts in order to support provision of adequate shade tree coverage; implement carbon neutral policies and climate mitigation goals of the Town of Arlington; reduce heat island effects emanating from Arlington's main corridors; and enhance public health and walkability with proper shading. This Article provides a nature-based solution to mitigate the impacts of the built environment.

This is a necessary addition so that development in the MBTA Communities overlay district will also require street trees.

#### VOTE AND RECOMMENDATION TO TOWN MEETING:

**The Redevelopment Board voted 4-0 to recommend Favorable Action that the Zoning Bylaw be and hereby is amended as follows:**

#### Amend SECTIONS 6.3.2, 6.3.3, and 6.3.4 :

##### **6.3.2. Applicability**

In the Business, Residential, and Multi-Family Housing Overlay Districts, new construction, additions over 50% of the existing footprint, or redevelopment ~~subject to review by the Arlington Redevelopment Board~~ shall provide one public shade tree every 25 linear feet of lot frontage along the public way where there is not already a public shade tree.

##### **6.3.3. Administration**

- A. This Section 6.3 shall be administered subject to Sections 3.3, Special Permits, ~~and 3.4, Environmental Design Review, and Site Plan Review, as applicable, by the Arlington Redevelopment Board. It shall be administered by the Zoning Board of Appeal for projects under~~

its review. It shall be administered by the Department of Planning and Community Development if the project is not subject to review by the Redevelopment Board or Zoning Board of Appeals.

B. ~~After the effective date of this Bylaw, Public shade trees shall be provided for any applicable use above and subject to Section 3.4, Environmental Design Review, and in accordance with the Standards established in this Section 6.3.~~

#### 6.3.4. Standards

- A. Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips.
- B. Trees shall be selected from the approved tree list set forth by the Tree Committee and approved by the Tree Warden.
- C. When planted, trees must be a minimum height of ten (10) feet or two (2) inches in caliper.
- D. All new trees shall be maintained in accordance with American Standard for Nursery Stock standards for a period of no less than 36 months from the date of planting, or other standards the Redevelopment Board may designate. Properties in which there are preexisting public shade trees at the required spacing along the public way are exempt.
- E. Where there is no other suitable location within the public way, shade trees may be proposed in locations within the lot, or in exceptional circumstances the Arlington Redevelopment Board or Zoning Board of Appeals, as applicable, may allow the owner to make a financial contribution to the Arlington Tree Fund. The Department of Planning and Community Development may make such allowance for projects not subject to review by the Redevelopment Board or Zoning Board of Appeals.

The Arlington Redevelopment Board or Zoning Board of Appeals, as applicable, may grant an increase in spacing between plantings where a new planting would conflict with existing trees, retaining walls, utilities, and similar physical barriers, or other curbside uses. The Department of Planning and Community Development may grant such increases for projects not subject to review by the Redevelopment Board or Zoning Board of Appeals.

# ARTICLE 11:

## RESIDENTIAL USES IN BUSINESS DISTRICTS

*Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.*

### ARTICLE 11

### ZONING BYLAW AMENDMENT / RESIDENTIAL USES IN BUSINESS DISTRICTS

To see if the Town will vote to amend the zoning bylaw to alter the use categories of a residential single-family home, duplex, or two family home in any of the Business Districts; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

#### DISCUSSION:

This article supports preservation of Arlington's existing commercial property by disallowing development of single- and two-family houses in business districts, while still allowing for development of mixed-use projects and multi-family homes.

One- and two-family dwellings can continue to be used and are not required to be converted to any other use. They will be considered nonconforming uses, of which there are many in Arlington.

#### VOTE AND RECOMMENDATION TO TOWN MEETING:

**The Redevelopment Board voted 4-0 to recommend Favorable Action that the Zoning Bylaw be and hereby is amended as follows:**

#### Amend SECTIONS 5.5.1 and 5.5.3:

##### **Section 5.5.1. Districts and Purposes**

A. B1: Neighborhood Office District. In the Neighborhood Office District, the predominant uses include ~~one- and two-~~three-family dwellings, houses with offices on the ground floor, or office structures which are in keeping with the scale of adjacent houses. Primarily located on or adjacent to Massachusetts Avenue, this district is intended to encourage preservation of small-scale structures to provide contrast and set off the higher-density, more active areas along the Avenue. Mixed-use buildings without retail space are allowed in this district. The Town discourages uses that would detract from the desired low level of activity, consume large amounts of land, or otherwise interfere with the intent of this Bylaw.

##### **Section 5.5.3. Use Regulations for Business Districts**

Class of Use	B1	B2	B2A	B3	B4	B5
Residential						
Single-family detached dwelling	¥	¥	¥	¥	¥	¥
Two-family dwelling, duplex dwelling	¥	¥	¥	¥	¥	¥

# ARTICLE 12:

## MBTA COMMUNITIES OVERLAY DISTRICT

*Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.*

### ARTICLE 12

### ZONING BYLAW AMENDMENT / MBTA COMMUNITIES OVERLAY DISTRICT

To see if the Town will vote to amend the Zoning Bylaw to adopt an MBTA COMMUNITIES OVERLAY DISTRICT or DISTRICTS of reasonable size where multi-family housing may be constructed as of right per the terms of MGL Chapter 40A Section 3A.; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

#### DISCUSSION:

In response to the “MBTA Communities Law” enacted in 2021 (Mass General Law Chapter 40A, section 3A), the Board established the MBTA Communities Working Group on 11/7/2022. Over the next nine months, the Working Group engaged the public, researched, and deliberated over an implementation plan that would allow Arlington to comply with state law by developing an MBTA Communities overlay district, with two sub-districts, where multi-family housing may be constructed by-right, meaning without a special permit. [The final report of the Working Group to the ARB and Town Meeting is available here.](#)

The Working Group Report provides a detailed picture of the outreach, thought process, and values behind the proposed multi-family district. However, the Arlington Redevelopment Board would like to note that there are a number of substantive differences between the Working Group’s recommendation and the main motion before Town Meeting, which were adopted as a result of continued dialogue between the ARB and the members of the public who attended the many public outreach sessions, the DPCD, the Town’s planning consultant, and the members of the Working Group. These differences include (a) a reduction to the height limits in the Neighborhood Multifamily District, from four stories to three, (b) a minimum parking requirement of one space per dwelling unit, subject to reductions via existing provisions of Section 6.1 of the Zoning Bylaw, and (c) map changes along Mass Ave, east of Orvis Road. The ARB adopted these changes due to (a) the scale, density, and aesthetic in the existing and adjacent neighborhoods of the proposed Neighborhood Multi-Family Districts, (b) to maintain continuity across the town in accordance with MAPC parking study conclusions and because they can be reduced with transportation demand management plans, and (c) to allow for a process to rezone the East Arlington Business District in a holistic manner. One ARB member was in favor of maintaining the three highlighted Working Group recommendations.

The proposal before Town Meeting has a capacity of 3,216 units on 115.6 acres. The multi-family district has approximately 1,981 existing dwellings, such that the difference between existing conditions and modeled capacity is approximately 1,235 units. If adopted, the Board projects that 15 to 45 parcels would be redeveloped over the next ten years, leading to a net increase of 50 to 200 new units.

As the state deems Arlington a rail transit “adjacent” community, the Town is not compelled to comply with the MBTA Communities Law until the end of 2024; however, in 2020, 94% of Town Meeting voted to pass a Clean Heat Bylaw prohibiting new fossil fuel infrastructure in new construction and renovations. While this home rule petition was not approved by the state, the Town has been invited to

participate in the state's Municipal Fossil Fuel-Free Building Demonstration Program which will ensure that new and renovated buildings in Arlington will not use fossil fuels. Participation in this program is contingent on Town Meeting establishing an MBTA Communities zoning area approved by the state Executive Office of Housing and Livable Communities (EOHLC) by the end of 2023.

Furthermore, this article aligns with several published Town planning documents including: the Master Plan (2015), the Fair Housing Action Plan (2021), the Housing Production Plan (2022), Net Zero Action Plan (2021), and the Community Equity Audit (2023). Indeed, a recommendation for zoning from the Town of Arlington Equity Audit asks that Arlington "address restrictive policies for residential zoning in order to allow for desegregation." The equity audit specifies multiple strategies for doing so, including removing the requirement for a special permit to develop multi-family housing and allowing for an inclusionary zoning bonus in high-density residential zoning districts. This article addresses both those strategies, as today in Arlington, development of any multi-family housing (which is considered 3 or more homes in a single building – a triple decker for example) requires a special permit.

The proposed overlay zone and its sub-districts follow the highest frequency bus lines from East Arlington to Arlington Heights, allowing by-right construction of multi-family housing up to four stories along Massachusetts Avenue and Broadway, and up to three stories in the neighborhood sub-districts. The overlay avoids flood plains, historic districts, and National Register of Historic Places designated properties. The zone is in proximity to, but does not cover, Arlington's commercial areas, leaving them available for potential rezoning to promote commercial redevelopment in the future.

The article also provides a set of development incentives to meet the needs and values of the community as expressed during public outreach done by the Working Group, including: a height bonus that would allow for building up to six stories on Mass Ave and five stories on Broadway for building commercial space on the ground floor, a height bonus that would allow for building an additional story for building more inclusionary affordable units than is currently required, and a height bonus for sustainable design and provision of open space.

State law and guidelines require our town to re-zone at least 32 acres where there would be a capacity for at least 2,046 housing units (3 units or more per building) that would not require a special permit to be constructed (i.e., "as-of-right"). Rather than limit the zone to one area of 32 acres (which would allow the entire area to have 5- and 6-story high buildings), this article takes the context of the town into account, setting the height of buildings like those already in the areas, and placing the zones on and near our transit and business corridors. Placing the zones on and near Mass. Ave and Broadway will help support sustainable walkable neighborhoods where residents can walk to local shops, services, and public transportation, thereby reducing the use of automobiles. It will also provide more potential customers (and perhaps employees and owners) for those local businesses, keeping them strong, and help maintain our vibrant business corridors. That is consistent with town policies and the community survey responses about how to implement the MBTA Communities Law. In addition, the new development will be subject to "site plan review," which authorizes the Redevelopment Board to make sure the development is consistent with environmental design review standards and guidelines.

**VOTE AND RECOMMENDATION TO TOWN MEETING:**

The Redevelopment Board voted 4-0 to recommend Favorable Action that the Zoning Bylaw be and hereby is amended as follows:

**Amend SECTIONS 2 and 5:**

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**Section 2: Definitions**

Add the following definition:

As of Right Development: A development that may proceed under this Bylaw without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval. It may, however, be subject to site plan review.

Add the following definition to the Definitions Associated with Dwelling:

Multi-family Housing: A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building, excluding Accessory Dwelling Units.

Add the following definition:

Overlay District: A zoning district that is applied over one or more previously established zoning districts. An Overlay District may establish additional or alternative requirements for properties in the Overlay District that are different than the requirements in the underlying zoning district.

Add the following definition:

Site Plan Review: A process established by this Bylaw by which the Arlington Redevelopment Board reviews and potentially imposes conditions on an As of Right Development that may include, but not be limited to, matters such as vehicle access and circulation on a site, architectural design of a building, and screening of adjacent properties, prior to the issuance of a building permit.

**Section 5: District Regulations**

Renumber Section 5.9 as Section 5.10 and add a new Section 5.9 as follows:

Section 5.9 Multi-Family Housing Overlay Districts Established Under Massachusetts General Laws Chapter 40A, Section 3A

**5.9.1. Multi-Family Housing Overlay Districts**

- A. The Multi-Family Housing Overlay Districts consist of two districts: the Massachusetts Avenue/Broadway Multi-Family (MBMF) Overlay District and the Neighborhood Multi-Family (NMF) Overlay District.
- B. The MBMF and NMF Overlay Districts do not replace existing underlying zoning districts but are superimposed over them. The provisions of Section 5.9 of this Bylaw apply to developments on parcels located within the MBMF and NMF Overlay Districts when the property owner has

elected to comply with the requirements of the MBMF Overlay District or NMF Overlay District, as applicable, rather than comply with those of the existing underlying zoning district. In other words, a development may comply with either the existing underlying zoning or the zoning for the applicable Overlay District, but not both on the same parcel or parcels.

C. If a proposed development is located on a parcel or parcels within both the MBMF and the NMF Overlay Districts, the provisions of the MBMF Overlay District shall apply to the property in the MBMF Overlay District and for a maximum of one parcel depth into the NMF Overlay District. If a proposed development is located on a parcel or parcels only partially within the MBMF or NMF Overlay Districts, the provisions of the existing underlying zoning shall apply and not of the Overlay Districts.

### **5.9.2. Purposes**

The purposes of the Multi-Family Housing Overlay Districts are:

- A. To respond to the local and regional need for housing by enabling development of a variety of housing types,
- B. To respond to the local and regional need for affordable housing by allowing for a variety of housing types with affordable housing requirements,
- C. To promote multi-family housing near retail services, offices, civic, and personal service uses, thus helping to ensure pedestrian-friendly development by allowing higher density housing in areas that are walkable to shopping and local services,
- D. To reduce dependency on automobiles by providing opportunities for upper-story and multi-family housing near public transportation,
- E. To encourage environmental and climate protection sensitive development,
- F. To encourage economic investment in the redevelopment of properties,
- G. To encourage residential uses to provide a customer base for local businesses, and
- H. To ensure compliance with MGL c. 40A § 3A.

### **5.9.3 Site Plan Review**

Development under Section 5.9 of this Bylaw requires Site Plan Review by the Arlington Redevelopment Board (ARB). The ARB shall provide site plan review for projects using the Environmental Design Review standards set forth in Section 3.4.4. of this Bylaw, the Residential Design Guidelines, and other Guidelines that may be adopted. Site plan review may include, but not be limited to, site layout, including lighting, landscaping and buffers, architectural style, outdoor amenities, and open spaces. All site plan reviews applicable to developments under Section 5.9 shall be consistent with the purposes of Section 5.9 and with MGL c.40A § 3A, and any Compliance Guidelines issued thereunder, as amended.

**5.9.4. Development Standards**

- A. Development meeting the requirements of Section 5.9 of this Bylaw is As of Right Development, subject to Site Plan Review as set forth in Section 5.9.3 of this Bylaw.
- B. Development under Section 5.9 of this Bylaw shall be only Multi-family Housing except for the mixed-use bonus option in Section 5.9.4.E.(1) of this Bylaw.
- C. Accessory uses for residential uses are permitted to the same extent they would be allowed in the underlying district.
- D. Dimensional Requirements

The requirements of Section 5.3 of this Bylaw that are applicable in all districts, including the requirements in Section 5.3.17 for Upper-Story Building Step Backs, are applicable in the Multi-Family Overlay Districts except to the extent that they are specifically modified by Section 5.9 of this Bylaw.

The dimensional requirements of Section 5.3 of this Bylaw and the tables of dimensional and density regulations of this Bylaw are modified as follows for developments under Section 5.9 of this Bylaw:

- 1) Section 5.3.1 Lot Area Per Dwelling Unit does not apply.
- 2) Section 5.3.3 Spacing of Residential and Other Buildings on One Lot does not apply.
- 3) Section 5.3.8 Corner Lots and Through Lots does not apply.
- 4) Section 5.3.11 Dimensional Requirements for Courts does not apply.
- 5) Section 5.3.12(A) Traffic Visibility Across Street Corners applies only in the NMF Overlay District.
- 6) Section 5.3.14 Townhouse Structures does not apply.
- 7) Section 5.3.19 Height Buffer Area shall apply to six-story high buildings only.
- 8) There are no requirements for minimum lot size, lot area per dwelling unit, lot frontage, landscaped or usable open space, Floor Area Ratio, or lot coverage.
- 9) Section 5.3.10 Average Setback Exception to Minimum Front Yard: All R Districts, shall be applied in the NMF District.

10) Except as noted in Section 5.9.4.E. Bonuses, the dimensional requirements are as follows:

<u>District</u>	<u>MBMF on Mass Ave</u>	<u>MBMF on Broadway</u>	<u>NMF</u>
<u>Max Height in Stories</u>	4	4	3
<u>Max Height in Feet</u>	52'	52'	35'
<u>Minimum Front Yard Setback</u>	15'	15'	15'
<u>Minimum Side Yard Setback</u>	5' each side	5' each side	Each side: minimum 5'; sum of two sides: minimum 20'
<u>Minimum Rear Yard Setback</u>	20'	20'	20'

Required minimum front yard setback areas shall be available for uses such as trees, landscaping, benches, tables, chairs, play areas, art, or similar features. No parking spaces are allowed in the required minimum front yard setback.

#### E. Bonuses

- 1) In the MBMF Overlay District, for properties abutting Massachusetts Avenue, where the ground floor at street level will be at least 60% occupied by eating and drinking establishments, businesses services, childcare, or retail uses, there are no residential units on the ground floor at street level, and the frontage is at least 80% occupied by said non-residential uses, the maximum height is 6 stories and 78 feet, and the front yard setback requirement is reduced to 0 feet. In the MBMF Overlay District, for properties abutting Broadway, where the ground floor at street level will be at least 60% occupied by eating and drinking establishments, businesses services, childcare, or retail uses, there are no residential units on the ground floor at street level, and the frontage is at least 80% occupied by said non-residential uses, the maximum height is 5 stories and 65 feet, and the front yard setback requirement is reduced to 0 feet.
- 2) In the MBMF Overlay District, one additional story may be added if the total percentage of affordable units exceeds the requirements in Section 8.2.3 Requirements of this Bylaw for a total of at least 22.5% of all units. In the MBMF Overlay District for properties facing Massachusetts Avenue, a second additional story may be added if the total percentage of affordable units exceeds the requirements in Section 8.2.3 Requirements of this Bylaw for a total of at least 25% of all units.
- 3) In the MBMF Overlay District, one additional story may be added for projects that are minimum LEED Gold certified or equivalent level of an alternate green building standard reviewed and approved by the Redevelopment Board.
- 4) The height with all bonuses shall not exceed 6 stories, 78 feet in the MBMF Overlay District on Massachusetts Avenue, 5 stories, 65 feet in the MBMF Overlay District on Broadway, and 3 stories, 35 feet in the NMF Overlay District.

#### F. Off-Street Parking and Bicycle Parking

- 1) The off-street parking requirements and procedures of Sections 6.1 to 6.1.11 of this Bylaw shall apply in the MBMF and NMF Overlay Districts except:
  - a. up to 50% of parking spaces may be sized for compact cars (as described in Section 6.1.11. Parking and Loading Space Standards) and

- b. No off-street parking is required for non-residential uses.
- 2) Developments in the MBMF and NMF Overlay Districts are encouraged to consider providing fewer parking spaces under the provisions of Section 6.1.5. of this Bylaw, Parking Reduction in Business, Industrial, and Multi-Family Residential Zones, which shall apply in the MBMF and NMF Overlay Districts.
- 3) The bicycle parking requirements and procedures set forth in Section 6.1.12 shall apply in the MBMF and NMF Overlay Districts.

G. Affordable Housing

Section 8.2 of this Bylaw, Affordable Housing Requirements, shall apply to any development under Section 5.9 of this Bylaw containing six or more dwelling units. Until the Massachusetts Executive Office of Housing and Livable Communities (EOHLC) approves using the requirements of Section 8.2 for housing built under Section 5.9 of this Bylaw, the affordability requirements are those allowed in the EOHLC Compliance Guidelines for Chapter 40A, Section 3A: that ten percent of the dwelling units shall be affordable, and the cap on the income of families or individuals who are eligible to occupy the affordable units is not less than 80 percent of area median income, or such other applicable Guidelines as EOHLC shall issue.

H. Solar Energy Systems

The requirements and procedures of Section 6.4 of this Bylaw, Solar Energy Systems, shall apply in the MBMF Overlay District, with Site Plan Review in the place of Environmental Design Review.

I. Signs

For Section 6.2 of this Bylaw, Signs, the Multi-Family Housing Overlay Districts are placed in these sign districts:

- 1) The NMF Overlay District is in the Residential Sign District.
- 2) The MBMF Overlay District is in the Residential/Business Sign District if the building is solely residential.
- 3) The MBMF Overlay District is in the Business Sign District if the building is mixed-use.

# ARTICLE 13:

## MBTA COMMUNITIES ACT NEIGHBORHOOD DISTRICTS

*Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.*

### ARTICLE 13 ZONING BYLAW AMENDMENT / MBTA COMMUNITIES ACT NEIGHBORHOOD DISTRICTS

To see if the Town will vote to amend its Zoning Bylaw to create at least two overlay districts in compliance with the MBTA Communities Act, including Neighborhood Multi-family districts where use is limited to residential only; or take any action related thereto.

Neighborhood Districts shall be comprised of parcels not fronting Massachusetts Avenue, and wholly or partially within a distance of 250 feet from the midline of Massachusetts Avenue. Parcels included in the Neighborhood Multi-family overlay districts shall not exceed 3 stories or a maximum of 35 feet in height, and shall have a minimum 15-foot front yard setback.

(Inserted at the request of Wynelle Evans and 100 registered voters)

**The Redevelopment Board will deliberate and vote on this article on Monday, October 16, 2023, after which the Board will present an updated Report to Town Meeting.**